

CONTEMPT OF COURT.

The Development in the Hawaiian Islands—Was the Attorney General's Imprisonment Legal?

(Continued.)
The power given to a judge to punish for "contempt of Court" is the most summary and arbitrary power now allowed in any free country. The judge is constituted judge, jury and prosecutor. He makes the charge, files a verdict of guilty and passes sentence on the victim and, in this country, allows no appeal from his decision. It is plain that their power should be exercised with the utmost care, consideration and moderation; otherwise it may become in the small-minded man the engine of personal spite. This is a power which has always been jealously regarded in England and especially so in the United States, and is used only in extreme cases.

In this country it for a long time was used in the same way, but since the inauguration of the three senior members of the present Supreme Court, Messrs. Judd, Preston and McCully, a change has come over the spirit of the Courts, and a worn out theory known as "constructive contempt" was adopted by the Hawaiian Supreme Court. This theory was that any adverse criticism upon the Court or its proceedings which had taken place in open Court, prior to rendering of the final decision by the final Court of Appeal, could be by the Court "constructive" into contempt, if the presiding judge chose in his arbitrary judgment to so consider it. The Court culminated their approach to this extreme position in the "Congdon" case. In this case some old lumber fell down on and killed some pigs that were being brought to Honolulu from San Francisco. The consigners claimed damages from the ship, and brought suit for the same. A statement of the plaintiff's case was printed in a newspaper. Some of the facts published were denied by the defendant and he accordingly published his version of the story. The Court thereupon found the newspaper which published the defendant's statement guilty of "contempt of Court." The final straw which was put upon the back of the "constructive contempt" camel arose out of the case of Smith, Thurston and Kinney vs. L. Ames, Minister of the Interior. The plaintiffs filed a bill in equity claiming that the Minister was corruptly and fraudulently disposing and attempting to dispose of Government lands in a manner prohibited by law and prayed for an injunction to prevent him from so doing. The application was denied. The Attorney-General published a copy of the bill filed, making no comment. The Court held the Attorney-General guilty of "constructive contempt." This unjustifiable interference with the freedom of the press brought its own cure, for the Legislature of 1888 by an almost unanimous vote passed a law prohibiting the Court from further exercising any such power.

The latest development of arbitrary power on the part of the Court is the action of Judge McCully in the case of the Attorney-General. The principle involved in this case is far more important than are the facts of the immediate case out of which it arose.

The Attorney-General claimed the right to make a criminal case, and to refuse to present to the Court any criminal case if he so chose. The claim of the Attorney-General is strongly supported by English and American authorities. Although thus supported, Judge McCully issued a peremptory order which was served on the Attorney-General at 6 p. m., to show cause at 10 the next morning why he should not be punished for contempt. The Attorney-General made return to the order expressly disclaiming any intention of disrespect to or contempt of the Court, reiterating his claim of his legal right, but stating that he considered it for the public interest to proceed with prosecutions, and did so. Notwithstanding this, Judge McCully's wrath refused to be appeased, and he demanded a retraction of the claim made by the Attorney-General and an apology; failing to get this he sentenced the Attorney-General to twenty-four hours imprisonment. The contempt alleged by the Judge was that the Attorney-General refused to proceed to prosecute. The Attorney-General still claiming his legal right to refuse, proceeded to prosecute. If there are reputable authorities sustaining the claim of the Attorney-General, what right has Judge McCully to say that he is guilty of "contempt of Court" for asserting that claim. Doubtless what right has Judge McCully to say that he is guilty of contempt after he has abandoned his intention to act under his claim, simply because he refused to retract his claim and apologize. The conclusion is irresistible that it was "McCully" and not the "Court" that was acting when the sentence was passed. If the Attorney-General should persist in refusing to prosecute criminal cases, he would be doing a great wrong, but how is he guilty of "contempt of Court"? Are all wrongs "contempt of Court"? It is not the business of the Judge to prosecute. That is the business of the Attorney-General. It is the business of the Judge to expound the law governing cases brought before him. If the Attorney-General does not perform the duties of his office and the Court can declare it "contempt of Court," there is no limit to the Court's power. It can arbitrarily say: thus and so contempt of Court. To prison you shall go; and there is no appeal. If this is to be allowed, who is safe.

Even if there had been an actual contempt committed, some decent regard for the dignity of the office of Head of a Department of the executive, might have been expected in this case. We understand that it is the opinion of a large number of the members of the bar that the Attorney-General would have been legally justified in disregarding the Judge's order of imprisonment, and the community has to thank the Attorney-General for his moderation under extremely trying circumstances. In submitting to what he considered, and was advised, was a wrong, that a crisis was not precipitated.

The action of the Judge is of more than doubtful legality, and is, in any case, utterly unequalled for its arbitrary and vindictive harshness.

The citizens of Tacoma have donated to the Seattle relief fund \$18,643.40 in cash, and upwards of \$2000 in provisions, clothing, bedding, etc.

PERSONAL MENTION.

Among the passengers booked to leave on the Umatilla to-day are the following:

Mr. Archibald N. Sinclair, up to the present time a student at Oahu College. He now goes to Scotland to study surgery and obtain his diploma from Edinburgh University.

Messrs. C. A. Cunningham and J. S. Cottrell are accompanied by the Samoan warriors. They go to America upon show business.

Mrs. G. E. Fanning accompanied by her daughter Miss Lulu Fanning, returns to California after a stay of several months here. Miss Lulu Fanning is known in Honolulu by her exhibits of artistic work.

Miss C. K. Wyckoff of East Maui Seminary goes to Oakland, Cal., and may not return to the Islands.

Mrs. Paul Neumann goes through to Germany with her son. She will return after a brief visit.

Hon. J. P. Parker, Mrs. Parker and party were to have gone by the Alameda; but were detained, and now proceed by the Umatilla. Mr. Parker's health having improved the past few days.

Letters from San Francisco state that Captain Holmes' health had greatly improved by the voyage over, and after a few months traveling, he hopes to return with renewed vigor and strength.

Rev. E. G. Porter, the orator on the Fourth, also left for his old home in Lexington, Mass. He has made the trip around the world, and gathered a stock of information from countries he has visited, which few have the opportunity to acquire. The four weeks which he has spent in this group has been fully occupied with sight-seeing, and he carries away very pleasant recollections of our "Paradise of the Pacific."

Mr. John T. Waterhouse, Sr., who left here four weeks ago, writes very encouragingly of the prospects for an American cable between San Francisco and Honolulu. He thinks that, if the matter is brought before the American people in the right way, it will be sure to succeed. He was intending to go on to New York, England and France.

Mr. Walter Frear left in the Umatilla for an absence of two or more years, to attend a law school. He purposes returning here to settle. His sister, Miss Henrietta Frear, accompanies him.

The Sea Serpent Again.

Captain Smith, chief officer of the British Princess, in port from Liverpool, comes to time with the first sea serpent story of the season. It was on Saturday, May 4th, and in latitude 44, longitude 42.40 that Captain Smith says he saw this big snake, which he says was 150 feet long, with eyes like a ship's starboard light. When sighted a large section of his snakeship stood perpendicularly out of the water, and as it was daybreak, with a smooth sea, there was opportunity for a good view of the monster. Several passengers who were on deck at the time are said to have seen the snake, but when Chief Officer Smith cried out for Captain Freeth to come on deck the monster turned tail and fled, churning the water like a Mississippi stern-wheeler.—Boston paper.

An English paper says: British manufacturers would do well follow the example of the German traders and start floating exhibitions. The German Export Company has voted a sum of £500,000 towards the building and equipping of a large steamer which is to tour round the world as a floating exhibition. By this means German wares will be shown in nearly all the ports of civilized countries. The staff which accompanies the steamer will take notice of the various specific requirements in each locality, and will endeavor to wrest the trade away from other exporters. The first voyage which the steamer will make will be in the spring of 1890, and it will tour for a space of two years.

Pandita Ramabai has at last succeeded in opening her school in India, in the Back Bay district of Bombay. The fact that her own people have received her well is very significant, and there is every hope for her success.

The New Jersey man who hit upon the idea of attaching a rubber-eraser tip to the end of lead pencils is worth \$200,000.

Special Notices.

MR. W. F. ALLEN,

AS AN OFFICE WITH MESSRS. BISHOP & CO., corner of Merchant and Bannockburn streets, and he will be pleased to attend to any business entrusted to him 1254-6m

THURM'S ALMANAC.

NO HAND-BOOK EXCELS THE HAWAIIAN ALMANAC AND ANNUAL for reliable statistical and general information relating to these Islands. Price 50 cents; or mailed abroad 60 cents each.

THOS. G. THURM, Publisher, Honolulu, H. I.

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From \$75 to \$200, worthy of attention. Music Department, Hawaiian News Co.

Any Make of Piano

For which we are agents will sell on monthly instalments of \$10 up, or at New York prices for cash. Music Department, Hawaiian News Co.

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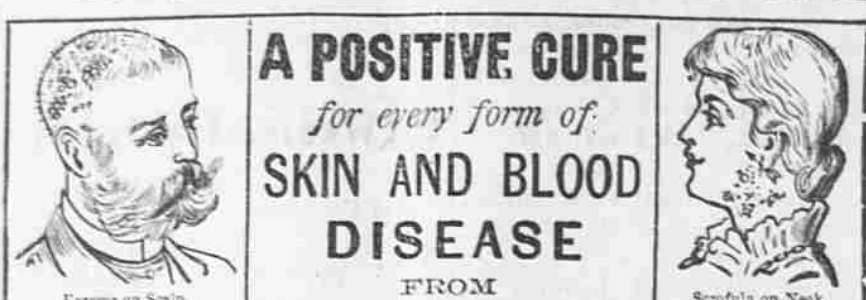
The Peerless Fischer Piano, guaranteed for 5 years, call and see it. Music Department, Hawaiian News Co.

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DISFIGURING HUMORS, Humiliating Eruptions, Itching and Burning Skin, Tortures, Locks of Scurf, and every species of Itching, Scaly, Pimples, Inherited, Scrofulous, and Syphilitic Diseases of the Blood, Skin, and Scalp, with Loss of Hair, from infancy to old age, are cured by CUTICURA RESOLVENT, the new Blood Purifier, internally, and CUTICURA and CUTICURA SOAP, the great Skin Cures and Beautifiers, externally.

Itching and Burning Skin Diseases, Bakers', Barbers', Grocers', Washwomen's Itch, Itching Piles, and Delicate Irritations peculiar to both sexes, instantly relieved by a warm bath with CUTICURA SOAP and a single application of CUTICURA, the great Skin Cure. This repeated daily, with three doses of CUTICURA RESOLVENT, will speedily cure Itching Diseases of the Skin and Scalp, when all other means absolutely fail.

A Magnificent Popular Work on the Skin, with Engraved Plates, is wrapped about the RESOLVENT. Also, one hundred Testimonials, solemnly sworn to before the British Consul, which repeat this story: I have been a terrible sufferer for years from Diseases of the Skin and Blood; have been obliged to shun public places by reason of my disgusting humors, have had the best physicians, have spent hundreds of dollars, and got no relief until I used the CUTICURA REMEDIES, which have cured me, and left my skin and blood as pure as a child's. Send for our sixty-four page book, "How to Cure Skin Diseases." Address HAWAIIAN CONSULES, Benson, Smith & Co., Honolulu.

For Sale by all retail chemists and wholesale druggists and dealers in medicine throughout the world. CUTICURA, 50 cents per box, large boxes, \$1.00; CUTICURA SOAP, 25 cents; CUTICURA RESOLVENT, 15 cents; CUTICURA RESOLVENT, per bottle.

PREPARED BY THE Potter Drug & Chemical Co., Boston, U.S.A.

BELL TELEPHONE 50. MUTUAL TELEPHONE 371.

HAWAIIAN WINE COMPY,

No. 24 Merchant Street, near Fort Street.

Have on Hand and For Sale a Full Assortment of

All Brands of American Whiskies

Bourbon, Rye and Monongahela, In Bulk or Case;
Scotch and Irish Whiskey, In Glass and Stone Jars;
French Brandy, Very Fine and Very Cheap Qualities, as are wanted;
Gins, in Large and Small Bottles, (White or Black), also STONE JUGS;
Old Tom Gin, Best Brand in the Market.

EUROPEAN SHERRIES & PORT!

In Bulk and Case;
All Brands of American Lager Beer, English Ale and Porter,
German Beer, Etc., Etc., In Pints and Quarts.

FINEST BRANDS OF CHAMPAGNES!

In Pints and Quarts;
Bitters, Liqueurs, Absinthe, Kummel, Apollinaris Water.

VERY SUPERIOR CALIFORNIA WINES, AS FOLLOWS:

Zinfandel, Malaga, Tokay, Madeira, Port, Sherry, Riesling, Hooks, Etc., Etc.

All of which will be Sold at LOW RATES by FRANK BROWN, Manager.

PURE AND SPARKLING!

IS THE
Ginger Ale, Lemonade, Sarsaparilla, Cream Soda, Plain Soda, Mineral Waters

OF ALL KINDS,
MANUFACTURED BY HOLLISTER & CO.

The Water used in preparing their GOODS being PURIFIED by the "LYAIT PURE WATER SYSTEM."

In operation in the Hawaiian Islands in their Establishment only. 1254-1f

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ARE THE LEADING PAPERS OF THE KINGDOM. No. 26 Merchant Street } OFFICE { Honolulu, Hawaiian Islands.

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BUILDINGS, MERCHANDISE, FURNITURE and Machinery Insured against Fire on the most favorable terms. A. JAEGER, 1250 1y Agent for the Hawaiian Islands.

ORIENT Insurance Company OF HARTFORD, CONNECTICUT.

CASH ASSETS JAN 1ST, 1884 : - \$1,411,894.41

Takes risks against Loss or Damage by Fire on Buildings, Merchandise, Machinery and Furniture on favorable terms. A. JAEGER, 1253 1y Agent for Hawaiian Islands.

GERMAN LLOYD Marine Insurance Company, OF BERLIN.

FORTUNA General Insurance Company, OF BERLIN.

The above Insurance Companies have established a General Agency here, and the undersigned, General Agents, are authorized to take

Risks against the Dangers of the Seas at the Most Reasonable Rates, and on the Most Favorable Terms.

1253 1y F.A. SCHAEFER & CO., General Agents.

WASHINGTON FIRE AND MARINE INSURANCE CO., OF BOSTON, MASSACHUSETTS.

Cash Assets Jan. 1st, 1884 - - \$1,595,550.34

Takes Risks against Loss or Damage by Fire on Buildings, Merchandise, Machinery and Furniture on favorable terms. A. JAEGER, 1252 1y Agent for Hawaiian Islands.

PRUSSIAN NATIONAL INSURANCE COMPANY, OF STETTIN.

[ESTABLISHED - - 1845.] Capital : - - - - - Reichsmarks 9,000,000.

The agent of this Company in Honolulu has received instructions to

Reduce the Rates of Life Insurance In this country to a minimum rate, without any extra premium for residence in the Hawaiian Islands.

Among the principal advantages attaching to a Life Policy in the "NORTH BRITISH" attention is specially drawn to the following:

RENDERED VALUES of Lapsed Policies are held at the disposal of the Assured for Six Years.

IMMEDIATE PAYMENT of Claims, without deduction of discount.

ABOLITION of restrictions on Foreign Travel and Residence. THEO. H. DAVIES, 1240 9m AGENT.

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Aetna Fire Insurance Company, - - - - - OF HARTFORD

Union Fire and Marine Ins. Co. 1251 - - - - - OF SAN FRANCISCO - - -

NORTH BRITISH AND MERCANTILE Insurance Company - - - - - OF LONDON AND EDINBURGH

ESTABLISHED 1800. RESOURCES OF THE COMPANY AS AT DEC. 31, 1886:

1—Authorized Capital.....\$3,000,000
2—Subscribed ".....2,500,000
3—Paid up ".....935,000

4—Fire Fund and Reserves as at 31st December, 1889.....1,586,112
5—Life and Annuity Funds.....4,425,015
6—Revenue Fire Branch.....1,279,344
7—Revenue Life & Annuity Branches 693,000

ED. HOFFSCHLAGER & CO., 1257 1y Agents for the Hawaiian Islands.

The Liverpool & London & Globe INSURANCE CO.

ASSETS - - - - - \$3,161,000
NET INCOME - - - - - \$1,000,000
CLAIMS PAID - - - - - \$88,714,000

Have established an agency in Honolulu for the undersigned are prepared to write risks against

FIRE ON BUILDINGS, MERCHANDISE & DWELLINGS

On favorable terms. Dwelling Risks a Specialty. Detached dwellings and contents insured for a period of three years, for two premiums in advance. Losses promptly adjusted and payable here.

1188 5c BISHOP & CO.

General Advertisements.

Boston Board of Underwriters, AGENTS for the Hawaiian Islands, 1250 1y C. BREWER & CO.

Philadelphia Board of Underwriters, AGENTS for the Hawaiian Islands, 1250 1y C. BREWER & CO.

AMSTERDAM - - - - - BREMEN Fire Insurance Company.

The undersigned having been appointed Agents of the above Company, are prepared to insure risks against fire on Steams and Brick Buildings, and on Merchandise stored therein, on the most favorable terms. For particulars apply at the office of F. A. SCHAEFER & CO. 1252 1y

GENERAL INSURANCE COMPANY For Sea, River & Land Transport - - - - - OF DRESDEN - - -

Having established an Agency at Honolulu for the Hawaiian Islands, the undersigned General Agents, are authorized to take

Risks against the Danger of the Seas at the Most Reasonable Rates, and on the Most Favorable Terms.

F. A. SCHAEFER & CO., 1256 1y Agent for the Hawaiian Islands.

Insurance Notice

The Agent for the British Foreign Marine Insurance Company (Limited) has received instructions to Reduce the Rates of Insurance between Honolulu and Ports in the Pacific, and is now prepared to issue Policies at the lowest rates, with a special reduction on freight per steamers.

THEO. H. DAVIES, 1199 1y Agent Brit. For. Mar. Ins. Co., Limited

Mutual Life Insurance Company, - - - - - OF NEW YORK - - -

Assets DEC. 31, 1888, - - - - - \$126,082,158.56

Reliable, Profitable, Prompt and Certain. Those who desire safe Life Insurance are invited to apply to

S. B. ROSE, 1212 1y General Agent Hawaiian Islands.

The Hartford Fire Insurance Co. - - - - - HARTFORD, CONNECTICUT - -

(INCORPORATED 1810.)

Total Asst Jan. 1, 1888, \$5,288,643 97

Having established an agency at Honolulu for the Hawaiian Islands, the undersigned is prepared to accept risks against fire on Buildings, Merchandise, Furniture, Machinery, on the most favorable terms. Losses promptly adjusted and payable here.

C. O. HERGEN, 1252 6m Agent for the Hawaiian Islands.

TRANS - - - ATLANTIC Fire Insurance Company, - - - - - OF HAMBURG - - -

Capital of the Co. and Reserve, Reichsmarks 6,000,000
Capital their Re-Insurance Companies: 101,500,000
Total.....Reichsmarks 107,500,000

NORTH GERMAN Fire Insurance Company, - - - - - OF HAMBURG - - -

Capital of the Co. & Reserve Reichsmarks 8,800,000
Capital their Re-Insurance Companies 32,000,000
Total.....Reichsmarks 40,800,000

The undersigned, General Agents of the above three companies for the Hawaiian Islands, are prepared to insure Buildings, Furniture, Merchandise and Produce, Machinery, &c., also Sugar and Rice Mills, and vessels in the harbor, against loss or damage by fire on the most favorable terms.

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Finest Herds.

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SUPPLIED ON SHORT NOTICE - - - - - AND AT THE

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All Meats delivered from this Market are thoroughly chilled immediately after killing by means of a Bell-Coleman Patent Dry Air Refrigerator. Meat so treated retains all its juicy properties, and is guaranteed to keep longer after delivery than freshly-killed meat.

1251 3m

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Importers and Wholesale Dealers in Chinese, Japanese, American and European Goods.

By late arrivals have received fresh stocks in

All kinds of Tea, White and Colored Mattings, Japanese Screens, Flower Pots, Camphor Trunks, White Silks,

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1252 3m